

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: **Chairman Ron Stoker**, on February 2, 2009 at
8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 298, 1/29/2009; HB 235,
1/29/2009; HB 301, 1/29/2009

Executive Action: HB 36

HEARING ON HB 298

Opening Statement by Sponsor:

00:01:59 Rep. Anders Blewett (D), HD 21, opened the hearing on HB 298, Limit nondeferment of judgment to commercial vehicles.

00:09:25 Chairman Stoker

Proponents' Testimony:

00:09:41 David Ortly, Justice of the Peace, Flathead County
EXHIBIT(juh24a01)

00:18:25 Rep. Wagner

00:19:15 Mr. Ortly

00:19:46 Rep. Wagner

00:19:58 Mr. Ortly

00:20:07 Chairman Stoker

00:20:14 Brenda Nordlund, Assistant Attorney General

00:22:00 Chairman Stoker

00:22:09 Ms. Nordlund

00:22:20 Chairman Stoker

Opponents' Testimony:

00:22:44 Spook Stang, Montana Motor Carriers Association

00:26:21 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

00:26:47 Rep. Sands

00:27:18 Mr. Stang

00:27:35 Rep. Sands

00:27:56 Mr. Stang

00:28:02 Chairman Stoker

00:28:06 Rep. Peterson

00:28:55 Mr. Stang

00:29:13 Rep. Peterson

00:29:26 Mr. Stang

00:30:01 Rep. Peterson

00:30:20 Mr. Stang

00:30:30 Rep. Peterson

00:31:05 Mr. Stang

00:31:23 Rep. Peterson

00:31:24 Chairman Stoker
00:31:39 Ms. Nordlund
00:31:44 Chairman Stoker
00:31:48 Ms. Nordlund
00:31:55 Chairman Stoker
00:31:59 Ms. Nordlund
00:32:46 Chairman Stoker
00:33:15 Ms. Nordlund
00:34:11 Chairman Stoker

Closing by Sponsor:

00:34:26 Rep. Blewett
00:35:56 Chairman Stoker

HEARING ON HB 235

Opening Statement by Sponsor:

00:36:13 Rep. Deborah Kottel (D), HD 20, opened the hearing on
HB 235, Revise limited liability company law.

Proponents' Testimony:

00:47:58 Mark Owens, (Testifying via telephone from Washington,
D.C. .)
00:50:34 Chairman Stoker
00:50:38 Mr. Owens
00:51:25 Chairman Stoker
00:51:46 Rep. MacDonald
00:52:14 Mr. Owens
00:54:14 Chairman Stoker
00:54:17 Rep. MacDonald
00:54:38 Mr. Owens
00:55:24 Rep. MacDonald
00:55:26 Chairman Stoker
00:55:32 Rep. Peterson
00:55:47 Mr. Owens
00:57:38 Rep. Peterson
00:57:41 Chairman Stoker
00:57:45 Rep. Wagner
00:58:00 Mr. Owens
00:59:16 Chairman Stoker
00:59:20 Rep. More
00:59:35 Mr. Owens
01:00:59 Chairman Stoker
01:01:01 Rep. Kerns
01:01:10 Mr. Owens
01:02:14 Chairman Stoker

01:02:16 Rep. MacDonald
 01:02:54 Mr. Owens
 01:04:06 Chairman Stoker
 01:04:46 Mr. Owens
 01:05:54 Chairman Stoker
 01:06:26 Mr. Owens
 01:08:24 Chairman Stoker

Proponents' Testimony Continued:

01:08:51 Paul Andrews, Rural Dynamics Incorporated
 01:11:08 Chairman Stoker
 01:11:13 Peggy Grimes, Montana Food Bank Network
 01:17:42 Chairman Stoker
 01:17:48 Linda Reed, Montana Community Foundation

EXHIBIT(juh24a02)

01:18:57 Chairman Stoker
 01:19:05 Ms. Reed
 01:20:30 Chairman Stoker
 01:20:35 Sedrick Black Eagle
 01:22:47 Chairman Stoker
 01:22:56 Linda McCulloch, Secretary of State

EXHIBIT(juh24a03)

01:24:44 Chairman Stoker

Opponents' Testimony: None

Informational Testimony:

01:25:11 Bill Pratt, Big Sky Institute for the Advancement of
 Nonprofits
 01:27:09 Chairman Stoker
 01:27:15 Mr. Pratt
 01:29:49 Chairman Stoker
 01:29:57 Brenda Gilmer, Attorney, Montana Department of Revenue
 01:33:22 Chairman Stoker

Questions from Committee Members and Responses:

01:33:48 Rep. Regier
 01:34:00 Ms. Gilmer
 01:34:03 Rep. Regier
 01:34:32 Ms. Gilmer
 01:34:45 Rep. Wagner
 01:35:02 Ms. Grimes
 01:35:04 Rep. Wagner
 01:35:15 Ms. Grimes
 01:36:52 Chairman Stoker
 01:37:16 Rep. Wagner

01:37:20 Chairman Stoker
 01:37:25 Rep. Wagner
 01:38:13 Ms. Grimes
 01:38:20 Rep. Wagner
 01:39:09 Ms. Grimes
 01:39:49 Chairman Stoker
 01:39:53 Rep. Peterson
 01:40:11 Ms. Gilmer
 01:40:19 Rep. Peterson
 01:40:23 Ms. Gilmer
 01:41:04 Rep. Peterson
 01:41:17 Ms. Gilmer
 01:41:22 Rep. Peterson
 01:41:24 Chairman Stoker

Closing by Sponsor:

01:41:32 Rep. Kottel
 01:45:41 Chairman Stoker
 01:45:55 Recess
 01:59:41 Reconvene
 01:59:42 Chairman Stoker

HEARING ON HB 301

Opening Statement by Sponsor:

02:00:37 Rep. Deborah Kottel (D), HD 20, opened the hearing on
 HB 301, Include paralegal services in attorney fee
 awards.
 02:09:12 Chairman Stoker

Proponents' Testimony:

02:09:25 Barbara Bessey, State Bar of Montana
[**EXHIBIT\(juh24a04\)**](#)
 02:11:07 Chairman Stoker
 02:11:10 Ms. Bessey
[**EXHIBIT\(juh24a05\)**](#)
 02:18:35 Chairman Stoker
 02:18:53 Annette Brown, National Association of Legal Assistants
 02:29:54 Chairman Stoker
 02:30:58 LaCinda Hanenburg, Montana Association of Legal
 Assistants
 02:36:09 Chairman Stoker
 02:36:25 Barbara Hartzell, Warden Thane Law Firm
[**EXHIBIT\(juh24a06\)**](#)
 02:36:40 Chairman Stoker

02:36:52 Kate Mateskon, State Bar Paralegal Board
02:37:19 Chairman Stoker
02:37:28 Jeri Hoffman, Paralegal Section, State Bar of Montana
02:38:21 Chairman Stoker
02:38:30 Mark Buyske
02:39:32 James Shuler
02:41:31 Chairman Stoker
02:41:35 Tammie Fagan, Paralegal Section, State Bar of Montana
02:43:18 Chairman Stoker
02:43:23 Allan Payne
02:46:02 Al Smith, Montana Trial Lawyers Association
02:46:35 Chairman Stoker
02:46:41 Tina Sunderland
02:47:02 Chairman Stoker

Opponents' Testimony:

02:47:23 Chris Gittings
02:52:12 Chairman Stoker

Informational Testimony:

02:52:31 Chris Manos, State Bar of Montana
02:54:20 Chairman Stoker

Questions from Committee Members and Responses:

02:54:27 Rep. Menahan
02:55:32 Mr. Manos
02:55:55 Rep. Menahan
02:56:18 Mr. Manos
02:56:23 Rep. Menahan
02:56:24 Chairman Stoker
02:56:27 Rep. Peterson
02:57:32 Rep. Kottel
02:58:42 Rep. Peterson
02:58:52 Chairman Stoker
02:58:55 Rep. Blewett
02:59:24 Mr. Manos
02:59:43 Rep. Kottel
02:59:53 Rep. Blewett
03:00:22 Rep. Kottel
03:00:33 Chairman Stoker

Closing by Sponsor:

03:00:44 Rep. Kottel
03:00:58 Chairman Stoker
03:01:02 Rep. Kottel

03:01:06 Chairman Stoker

EXECUTIVE ACTION ON HB 200

03:01:45 **Motion:** Rep. Peterson moved that **HB 200 BE TABLED.**

03:02:00 Chairman declined Rep. Peterson's motion.

03:02:07 **Motion:** Rep. Peterson moved that **COMMITTEE BILL TO REPLACE HB 200 BE ADOPTED.**

03:02:26 Chairman Stoker

03:03:28 Rep. Kottel called the question.

03:03:36 **Vote:** Motion that **COMMITTEE BILL ON HB 200 DO PASS** failed 9-9 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. More, Rep. Becker, Rep. McClafferty, Rep. Howard, Rep. Menahan, and Rep. Stoker voting aye.

EXECUTIVE ACTION ON HB 36

03:05:20 **Motion:** Rep. Kottel moved that **HB 36 DO PASS.**

Discussion:

03:06:09 Chairman Stoker

03:06:24 Rep. Kerns

03:06:40 Rep. Peterson

03:06:54 Chairman Stoker

03:07:00 Rep. Menahan

03:08:13 Rep. Kerns called the question.

03:08:18 Chairman Stoker

03:08:23 **Vote:** Motion that **HB 36 DO PASS** tied 9-9 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Blewett, and Rep. Menahan voting aye.

03:09:38 Rep. Kottel

03:09:44 Chairman Stoker

ADJOURNMENT

03:10:44 Adjournment

Jennifer Eck, Secretary

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Additional Document:

[EXHIBIT\(juh24a07\)](#)

Additional Documents:

EXHIBIT([juh24aad.pdf](#))